

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

TUESDAY, THE FIRST DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and

THE HON'BLE MR JUSTICE M.NARAYANA REDDY

WRIT APPEAL NO : 87 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated
15/12/2004 in WP NO : 22051 OF 2004 on the file of the High Court.)

Between:

- 1 P. Veerappa, S/o. Gangulappa,
R/o. 6th Journalist Colony, Tirupati, Chittoor District.
- 2 Ch. Santoshamma, W/o. late Ch. Vijaya Kumar,
R/o. Journalist Colony, Tirupati, Chittoor District.

..... APPELLANTS

AND

- 1 The Collector, Chittoor District, Chittoor.
- 2 The Mandal Revenue Officer, Tirupati Urban Mandal, Chittoor District.

.....RESPONDENTS

Counsel for the Appellant: SMT.S.V.INDIRA

Counsel for the Respondent Nos.1 and 2: GP FOR REVENUE

The Court made the following Oral Judgment: (per Sri Devinder Gupta, CJ)

Learned single judge proceeded to dismiss the appellants' writ petition by taking note of some para-wise remarks of the Mandal Revenue Officer, which appears to have been handed over to the learned single judge at the time of hearing of the writ petition and did not form part of the record. It was not a counter affidavit filed by the Mandal Revenue Officer. Learned single judge noticed the fact that appellants had earlier filed two writ petitions for similar relief and there was suppression of the fact of not disclosing filing of the said writ petitions. One of the writ petitions referred to is Writ Petition No. 2043 of 1993 stated to have been filed by the petitioners seeking permanent patta.

When counsel for the appellants has drawn our attention to a copy of the order passed in Writ Petition No.2043 of 1993, which is a writ petition on a totally different subject filed by Mr. A. Devi Reddy, Junior Lecturer in Physics against A.P. Residential Education Society, Hyderabad for making absorption of the petitioner therein as regular Junior Lecturer in Physics in A.P. Residential Junior College. Therefore, the first writ petition has nothing to do with the appellant/writ petitioners. As regards the second writ petition, there is a specific averment made in para-6 of the affidavit filed in support of the writ petition by the appellants that writ petition filed was dismissed in the absence of the counsel for the petitioners therein, against which review petition was filed and the same is pending. Therefore, learned single judge would not have dismissed the writ petition and that too by imposing costs. Even the facts which were taken note of by the learned single judge as regards the holding of the second appellant were seriously disputed by the learned counsel for the respondents. These facts were noticed merely on the basis of some para-wise remarks and are not on record.

Under these circumstances, we have no option except to allow the writ appeal and set aside the impugned order with a request to the learned single judge to hear and dispose of the writ petition in accordance with law after affording opportunity to the respondents to file counter affidavit and to the appellants to controvert the same. Till the writ petition is heard and decided, status-quo as regards nature and possession of the land in question shall continue to be maintained.

DEVINDER GUPTA, CJ

Date: 1st February, 2005

M. NARAYANA REDDY,J

Pnb

To

- 1 The Collector, Chittoor District, Chittoor.
- 2 The Mandal Revenue Officer, Tirupati Urban Mandal, Chittoor District.
- 3 Two C.Cs. to the Government Pleader for Revenue, High Court
Buildings, Hyderabad.
- 4 Two C.D. copies